

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

ACTION AGENDA CITY COUNCIL/REDEVELOPMENT AGENCY CITY OF HUNTINGTON BEACH

MONDAY, SEPTEMBER 15, 2003

**5:00 P.M. – Room B-8 for Public
Comments on Closed Session Items
7:00 P.M. – Council Chambers for
Open Session**

Civic Center, 2000 Main Street
Huntington Beach, California 92648

5:00 P.M. –Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Present – (Houchen arrived during closed session)

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting.
(2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

None

Public Comments Regarding Closed Session Agenda Items (Referenced on the Following Page)

None

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA IS
AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.surfcity-hb.org>

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

Approved 6-0-1 (Houchen arrived during closed session)

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Seven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)
2. **(Redevelopment Agency) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the agency is a party. The title of the litigation is **Mulligan v. Redevelopment Agency**; Orange County Superior Court Case No. 740099; Court of Appeal No. G028980. Subject: **Mulligan v. Redevelopment Agency** (400.50)
3. **City Council) Closed Session** - Pursuant to Government Code Section 54956.9(b)(3)(B). (Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.) Southern California Water Company has notified the city it intends to purchase or condemn an easement in order to provide water service to Bolsa Chica Mesa. Subject: **Potential Eminent Domain Action by Southern California Water Company against City of Huntington Beach.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

None

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Present

Pledge of Allegiance – To be led by the Mayor.

Observe Moment of Silence – To reflect on matters before Council this evening.

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

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City Clerk announced Late Communications on D-1, F-1 and G-2b.

Presentation - Mayor Connie Boardman ***and Pro Tempore Cathy Green*** to present a resolution to retiring Planning Commissioner Don Stanton. (160.40)

Presentation - Mike Balsamo, Government Affairs Director of the Building Industry Association of Orange County, will be presenting the 2003 Gold Nugget Award of Merit to Mayor Connie Boardman and to The Related Companies of California in recognition of Excellence and Value for Bowen Court - Best Senior Project Active Adult. (160.40)

Presentation - To four firefighters on the crew of Station 8 –Heil A Shift for going above and beyond their duties to assist a diabetic woman by supplying food and helping improve her living conditions. Mayor Connie Boardman will present commendations to Captain Mike Perry, Engineer Chico Sanchez, Firefighter Paramedic John Legg and Firefighter Paramedic Bryan Russell. (160.40)

Mayor's Award - Mayor Connie Boardman to present the Mayor's Award to Assistant Project Manager Steve Holtz from the Economic Development Department. (160.40)

B. PUBLIC COMMENTS

Hello and welcome to the Huntington Beach City Council meeting.

If you would like to address the Council please fill out the pink public comment sheet attached to this agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. Council members strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda.

So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting.

However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council.

**This is the time to address Council regarding items of interest or
on agenda items OTHER than Public Hearings.**

3 minutes per person, time may not be donated to others.

No action can be taken by Council/Agency on this date unless agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

PUBLIC COMMENTS:

1. *Speaker representing "We Vote" invited all to attend Coastal Cleanup Day by helping to clean the "Big Shell" at Wetland Coastal Village – Saturday, September 20, 2003 at 10:00 a.m.*
2. *Speaker stating concern that new revenues raised to benefit infrastructure needs, not being placed in Infrastructure Fund as required by the City Charter.*
3. *Speaker requested Council assistance relative to rent increases at her apartment complex.*
4. *Speaker requesting consideration be given to residents of Cabrillo Mobile Home Park relative to their intention to purchase Cabrillo Mobile Home Park.*
5. *Speaker requesting Council to not approve the "blanket" ambient music ordinance and instead that it be to specific areas.*
6. *Speaker offered invocation as official invocation not scheduled on agenda.*
7. *Speaker expressing disappointment at Planning Commissioner Randy Kokal's resignation from the Planning Commission. He spoke re: Mr. Kokal's dedication to the commission and that he listened to the public's concerns.*
8. *Planning Commissioner Randy Kokal spoke re: his service on the Planning Commission and stated his appreciation for the opportunity. He presented questions to Council regarding the difficulty the Planning Commission incurred in obtaining documents.*
9. *Representative of Board of Directors, Bolsa Chica Land Trust informed Council of free seminar on Bolsa Chica to be held at 6:30 p.m. on September 25, 2003.*
10. *Speaker thanked Randy Kokal. Spoke re: how Planning Commission Chair Kokal assisted them on how to seek funding and do effective fundraising for their organization, stating he donated his time.*
11. *Planning Commissioner Steve Ray spoke regarding the dedicated service Mr. Kokal has provided to the City and hopes he will see him advocating before the Planning Commission in the future.*
12. *Speaker opposed to the granting of Release of Bonds for Tract No. 14321 Cup #99-9-Crystal Island near Worthy Park stating reasons that the safety gate poses a hazard and accidents have already occurred and citations have been issued. He stated that the curbs have not been painted red so that vision not impaired – the gates can only recognize cars not children on skateboards, etc.*
13. *Speaker spoke on behalf of Planning Commissioner Randy Kokal's service to organizations in the City.*

C-1. Council Committee/Council Liaison Reports
None

C. -2. City Administrator's Reports
None

C-3. City Treasurer's Report

C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's July 2003 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for July 2003.

Recommended Action: Motion to:

Review and accept the monthly report *as amended to correct the typographical error in the hard copy*. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for July 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

Approved 6-1 (Sullivan out of room)

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing Continued Open from September 2, 2003 to Consider Adoption of Resolution No. 2003-69 on the Proposed City Budget for Fiscal Year 2003-04 (Resolution Includes Exhibit on Proposed 2004/2005 Budget to be Submitted to Council by August 1, 2004) – Authorize the City Administrator to Maintain a Limited Hiring Freeze (.)

Communication from the Administrative Services Director.

Public hearing opened and continued open from September 2, 2003 for the purpose of considering the City budget for Fiscal Year 2003-04.

The proposed budget for Fiscal Year 2003-04 totals \$291,969,190 including General Fund Expenditures of \$138,623,701. The proposed budget for FY 2004/05 totals \$290,402,525 including General Fund Expenditures of \$147,184,846. The complete **Preliminary**, Two-Year Budget proposal (2003/04 and 2004/05) can be reviewed by the public from 8:00 AM to 5:00 PM, Monday through Friday in the City Clerk's Office at City Hall, 2000 Main Street, Huntington Beach after Wednesday, August 27, 2003. Copies of the proposed budget are also available for public review at the City's Central Library located at 7111 Talbert Avenue (Goldenwest Street and Talbert Avenue) and all branch libraries. Copies of the **Preliminary Budget Message and Summaries** may be obtained by the public from the City's website at <http://www.surfcity-hb.org>.

All interested persons (especially senior citizens and handicapped individuals) are invited to attend the budget hearing to express their opinions for, or against, the proposed budget with written or oral comments. Written communications to the City Council also may be mailed to the City Clerk. Further information may be obtained from the Office of the City Clerk, 2000 Main Street, Huntington Beach, CA. 92648 – Phone # (714) 536-5227.

The City of Huntington Beach endeavors to accommodate persons of handicapped status in the admission or access to, or treatment or employment in, City programs, or activities. The City of Huntington Beach is an equal opportunity employer.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

****Communication from the Huntington Beach Tomorrow board members presenting Budget recommendations for Council consideration is included in the Agenda Packet.**

Motion to refer the letter from Huntington Beach Tomorrow to the Finance Board for study.

Approved 7-0

(Continued on the Next Page)

The Proposed Budget for Fiscal Year 2004/2005 (Exhibit B of **Resolution No. 2003-69) to be submitted by the City Administrator to Council by August 1, 2004 is on file with the City Clerk's Office for public review.

Recommended Action: Motion to:

1. Conduct the public hearing on the proposed \$335,929,757 new appropriations for the fiscal year 2003/2004 city budget as outlined in the budget document (public hearing continued open from September 2, 2003);

and

2. Adopt **Resolution No. 2003-69 – as amended by Economic Development Director's Late Communication** "A Resolution of the City Council of the City of Huntington Beach Adopting a Budget for the City for the Fiscal Year 2003/04;"

and

3. Authorize the City Administrator to maintain a limited hiring freeze.
Adopted and Approved 6 – 1 (Sullivan – No)

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. **(City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Adjourned Regular Meetings of June 30, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved and Adopted 7 – 0
- E-2. **(City Council) Approve Recommendation to Not Initiate Application for Annexation No. 03-01 of County Island (41 Acres of Unincorporated Land at n/w Corner of McFadden Avenue and Beach Boulevard) as Proposed by LAFCO (Local Agency Formation Commission)** (.) –Do not initiate an application for Annexation No. 03-01 related to the annexation of 41 acres of unincorporated land into the City of Huntington Beach proposed by the Local Agency Formation Commission. Submitted by the Planning Director. Funding Source: Not applicable.
Approved 7 - 0
- E-3. **Deleted**
- E-4. **(City Council) Accept Resignation of John Scandura and Approve Appointment of David Bloom to the Community Services Commission with a Term to Expire June 30, 2005** (.) – 1. Accept the resignation of **John Scandura** and 2. Approve the appointment of **David Bloom** to the Community Services Commission as a Member-at-Large for a term to expire June 30, 2005. Submitted by the Community Services Director and as Recommended by Council Liaisons, Mayor Pro Tem Cathy Green and Councilmember Dave Sullivan. Funding Source: Not applicable.
Approved 7 - 0
- E-5. **(City Council) Approve Sole Source Procurement from TGO Technologies for the Purchase and Installation of Chlorine Containment Vessels** (.) – Approve Sole Source Procurement from TGO Technologies of Santa Rosa, California for the purchase and installation of chlorine containment vessels. Submitted by the Public Works Director. Funding Source: Budgeted in the Chlorine Containment, Water Improvements Account.
Approved 7 - 0

- E-6. **(City Council) Approve Sole Source Procurement and Execute the Software License Agreement between the City and Motorola for the Purchase and Installation of Mobile Data Computers to Replace the Computer Aided Dispatch/ Records Management System (CAD/ RMS) in Police Field Units** (.) - 1. Approve the Sole Source Procurement with Motorola for Mobile Data Computers for police field units; and 2. Authorize the Information Services Director to execute the *Software License Agreement* with Motorola and expend up to \$890,200 for the purchase and installation of Mobile Data Computers for police field units; and 3. Appropriate \$155,000 from the Holly Seacliff Fund and the Narcotics Forfeiture Fund into Account 30770101.83000; and 4. Approve Jim Moore, Public Safety Systems Supervisor as Project Manager; and authorize Janis Ingels, Director of Information Services and Jim Moore to approve changes, acceptance testing and milestone payments. Submitted by the Police Chief and Information Services Director. Funding Source: \$745,000 - Holly Seacliff Account; \$55,000 – Holly/Seacliff Fund Balance and \$100,000 – Narcotic Forfeiture Fund Balance, for a total of \$900,000.
Approved 7 - 0

Administrative Items**F-1. (City Council) Approve City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (.)**

Communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Mayor Connie Boardman and Councilmember Debbie Cook transmitting the following **Statement of Issue**: Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to legislation currently pending before the elected members of the Federal or State Legislatures or a regional body?

Recommended Action: The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on these items, and authorize the Mayor to send letters to the legislators reflecting the approved position:

Motion to:

1. **Support SB 20 (Sher & Romero) Hazardous Electronic Waste.**
Approved 7 - 0
2. **Oppose SB 440 (Burton) Binding Arbitration as enrolled on 08/17/03.**
Approved 4 – 2 – 1 (Coerper, Houchen – No; Green – Abstain)
3. **Oppose AB 1141 (Diaz) Meyers-Milias Brown Act – Agency Shop Agreements as enrolled 8/21/03.**
Pulled as to be signed by Governor
4. **Support AB 1744 (Chavez) Taxation – Administration as enrolled 8/21/03.**
Pulled as to be signed by Governor

F-2. (City Council/Redevelopment Agency) Approve a Fourth Implementation Agreement between the Agency and CIM/Huntington, LLC – Authorize Appropriation of Funds for the Construction of Additional Parking to Meet Parking In-lieu Fee Obligations for The Strand Project (.)

Communication from the Economic Development/ Deputy Executive Director and the Planning Director transmitting that the City Council provided direction for staff to pursue the development of additional parking in the subterranean garage to be constructed as part of The Strand project. The proposed Fourth Implementation Agreement provides the means by which this would be accomplished.

Recommended Action: Motion to:

1. **Redevelopment Agency Action:** Approve a *Fourth Implementation Agreement to Disposition and Development Agreement* with CIM/Huntington, LLC, and authorize the Chairperson and Agency Clerk to execute the Implementation Agreement;
Approved 7 – 0

and

2. **City Council Action:** Appropriate \$500,000 from the Parking In-lieu Fee Fund for the Commitment Payment and Commencement of Construction Payment.
Approved 7 - 0

G. Ordinances

G-1. Ordinances for Adoption - None

G-2. Ordinance for Introduction

- G-2a. (City Council) Continued from 9/2/03 Meeting – Approve Introduction of Ordinance No. 3618 Amending Huntington Beach Municipal Code Chapter 5.44 Relating to Entertainment (Adds Definition of Ambient Music) (640.10) - Ordinance No. 3618 - “An Ordinance of the City of Huntington Beach Amending Chapter 5.44 of the Huntington Beach Municipal Code Relating to Entertainment.”**
Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3618** by roll call vote.
Police Chief reported
Approved Introduction 7 - 0

H. City Council/Redevelopment Agency Items

H-1a. Submitted by Mayor Pro Tem Cathy Green

(City Council) Approve the Adoption of Priority Budget Funding in the General Fund (when the City is in a Financial Condition) of the following Services for Reinstatement: (1.) Frozen, Vacant Police Department Positions; (2.) Concrete Maintenance Function; (3.) Pest and Weed Control; and (4.) Graffiti Removal (.)

Communication from Mayor Pro Tem Cathy Green transmitting the following **Statement of Issue:** The city recently completed reducing the General Fund for the current fiscal year by about \$11 million. This included many difficult cuts that impacted a number of city services. If and when the city is in a financial position to consider adding services and functions back, I would like to see certain services have first priority. These services are the funding and unfreezing of the vacant Police Department positions, the concrete maintenance function, the pest and weed control service, and the full restoration of the graffiti removal program. The one exception to this would be any program that clearly produces revenue that offsets 100% of the new costs.

Recommended Action:

I move that the City Council adopt the above-described services as the first to be funded when and if monies become available before any services are restored in the budget.

Motion to approve recommended action Failed 3 – 4 (Boardman, Cook, Houchen, Hardy – No)

Mayor announced 960-8861 is Graffiti Hotline.

H-2a. Submitted by Councilmember Dave Sullivan**(City Council) Direct Staff Regarding Method of Processing the Property Tax Refunds (Howard Jarvis Property Tax Lawsuit) and Direct Staff to Report Back to Council at the October 6, 2003 Meeting (.)**

Communication from Councilmember Dave Sullivan transmitting the following **Statement of Issue**: At some date, probably in December, the clock will start ticking on as many as 30,000 tax refund claims. There will be a need to respond in a timely manner for many reasons, including both legal and public perception. The refund process is an enormous and unprecedented task that the city must undertake. Huntington Beach elected officials, as well as staff, bear responsibility to produce a process that can withstand public scrutiny. Time is of the essence in developing a refund process plan.

Recommended Action: Motion to:

- ~~1. Direct the City Administrator to open a Project Account to track all costs, both external and internal, associated with the refund process;~~

and

- ~~2. Direct the City Administrator to explore the advisability of appointing/hiring a Project Manager to manage and coordinate the refund process;~~

and

- ~~3. Direct the City Administrator, City Clerk, City Treasurer, and City Attorney to report to the City Council on the following:

 - ~~a. Major milestones for the refund process and the role of each department in the process.~~
 - ~~b. What has been done so far?~~
 - ~~c. A schedule with estimated costs for processing/refunding the claims.~~~~

and

- ~~4. Direct the City Administrator to commence a dedicated telephone line to receive questions about the refund process;~~

and

- ~~5. Direct the City Administrator to develop a process by which property owners can quickly determine whether their claim has been logged in;~~

and

- ~~6. Direct the City Administrator to report to the City Council at the October 6, 2003, City Council Meeting on Items 1 through 5.~~

Substitute Motion Approved 4 – 3 (Sullivan, Coerper, Green – No)

To request a report from the City Administrator as to the steps that will be taken and on approximate date when each step will be completed.

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda, which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Patriot Day at Pier Plaza and at Lake Park were outstanding programs in the community which were in remembrance of September 11, 2001.

Resignation of Planning Commissioner Randy Kokal

Mayor announced her acceptance of resignation of Planning Commissioner Randy Kokal and plans to appoint a replacement in two weeks.

City Administrator Ray Silver, announced his pending retirement in July 2004.

Council/Agency Adjournment to Monday, October 6, 2003, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**CONNIE BROCKWAY, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

Internet: <http://www.surfcity-hb.org>